

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RVIN REYES, ISRAEL CORTEZ CRUZ,  
EDISON AGUIRRE, BENIGNO PERALTA, JR.  
GERRY ROXAS, AIRES BAYABORDA,  
BENCHER MONTEBON, ARNIEL GOMEZ  
And SHERIDAME GARCIA, Individually and on  
Behalf of All Others Similarly Situated,

**NOTICE OF MOTION**

13-Civ-9051 (NSR)

Plaintiffs,

-Against-

CITY OF RYE, RYE GOLF CLUB, RM STAFFING &  
EVENTS, INC., MORRIS YACHT AND BEACH CLUB,  
INC. and SCOTT YANDRASEVICH, Jointly and Severally,

Defendants.

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PLEASE TAKE NOTICE, that upon the Declaration of Simone Pam Handfield, dated May 9, 2014, and the exhibits attached thereto, upon the accompanying Memorandum of Law, and upon all prior proceedings had herein, Defendant Morris Beach and Yacht Club, Inc. will move in this Court at the above captioned Courthouse, located at 300 Quarropas Street, White Plains, New York, on a date to be determined by the Court, for an Order pursuant to Fed. R. Civ. P. 12(b)(6) dismissing all claims against it for failure to state a claim upon which relief may be granted, and such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that this action has been referred by this Court for inclusion in the Pilot Project Regarding Case Management Techniques for Complex Civil Cases in the Southern District of New York. Pursuant to the procedures set

forth in Motion Procedures, section A, Pre-Motion Conferences, sub-section (4)(c), Defendant Morris Yacht and Beach Club, Inc. respectfully requests a conference to address the issues raised by the pending motion.

Dated: White Plains, New York  
May 9, 2014

Respectfully submitted,

LYONS MCGOVERN, LLP

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